

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_0179A
Tatsuki NOGIWA et al. : **Confirmation No. 5037**
Serial No. 10/772,355 : Group Art Unit 2894
Filed February 6, 2004 : Examiner David E. Graybill
SUBSTRATE HOLDER, METHOD FOR : **Mail Stop: OFFICE OF**
PRODUCING SUBSTRATE HOLDER, AND **PETITIONS**
METHOD FOR PRODUCING MOLD

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 28, 2009, the Office issued a Notice of Abandonment, indicating that Applicants failed to timely file a proper reply to the Office letter that was mailed July 27, 2009. Further, it was indicated that no reply had been received. A copy of the Notice of Abandonment is attached.

The Office letter mailed July 27, 2009 was a communication from the Examiner indicating that Applicants' traversal of the Notice of Nonresponsive Amendment was deemed persuasive. The Notice went on to indicate that a reply that was filed April 6, 2009 was not fully responsive for failure to include a complete or accurate record of the substance of an interview that was conducted on October 29, 2008. This was the first time that this issue had been raised by the Examiner. Beginning at the bottom of page 3 of this communication, the Examiner states that "since the above mentioned reply appears to be *bona fide*, applicant is given a time period of one (1) month or thirty (30) days from the mailing date of this notice . . . within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a)."

Accordingly, by its terms, the communication that was sent by the Examiner on July 27, 2009 provided for a time period that would expire on August 27, 2009, but that is also subject to any and all extensions of time that may be permitted and granted under 37 CFR 1.136(a).

Section (a)(1) of rule 136 states that “if an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set forth in § 1.17(a) are filed” unless applicant is otherwise notified in an Office Action. Thus, under the statute on the rules, and by the terms of the communication of July 27, 2009, extensions of time were available to reply to the communication of July 27, 2009.

On September 28, 2009, Applicants filed a response to the Examiner’s communication of July 27, 2009 together with a one month extension of time. Copies of this communication are also enclosed.

Accordingly, it is respectfully submitted that no abandonment in fact took place and that the Notice of Abandonment in this application should be withdrawn. Such withdrawal of the Notice is respectfully requested. Under the provisions of MPEP § 711.03(c)(I). It is respectfully submitted that no petition fee is due. However, the Office is authorized to charge Deposit Account No. 23-0975 should a fee in fact be required.

Respectfully submitted,

Tatsuki NOGIWA et al.

/Nils E. Pedersen/

By 2009.10.22 15:31:20 -04'00'

Nils E. Pedersen

Registration No. 33,145

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October 22, 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,355

02/06/2004

Tatsuki Nogiwa

2004-0179A

5037

52349

7590

09/28/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

GRAYBILL, DAVID E

ART UNIT

PAPER NUMBER

2894

MAIL DATE

DELIVERY MODE

09/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)	
	10/772,355	NOGIWA ET AL.	
	Examiner	Art Unit	
	David E. Graybill	2894	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 July 2009.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/David E Graybill/
Primary Examiner, Art Unit 2894

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_0179A
Tatsuki NOGIWA et al. : **Confirmation No. 5037**
Serial No. 10/772,355 : Group Art Unit 2894
Filed February 6, 2004 : Examiner David E. Graybill
SUBSTRATE HOLDER, METHOD FOR : **Mail Stop: AMENDMENT**
PRODUCING SUBSTRATE HOLDER, AND
METHOD FOR PRODUCING MOLD

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petition hereby is made for a one month extension of time to respond to the communication of July 27, 2009. The fee of \$130.00 is to be charged to Credit Card.

Respectfully submitted,

Tatsuki NOGIWA et al.

/Nils E. Pedersen/

By 2009.09.28 13:52:04 -07'00'

Nils E. Pedersen
Registration No. 33,145
Attorney for Applicants

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Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 28, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_0179A
Tatsuki NOGIWA et al. : **Confirmation No. 5037**
Serial No. 10/772,355 : Group Art Unit 2894
Filed February 6, 2004 : Examiner David E. Graybill
SUBSTRATE HOLDER, METHOD FOR : **Mail Stop: AMENDMENT**
PRODUCING SUBSTRATE HOLDER, AND
METHOD FOR PRODUCING MOLD

RESPONSE TO OFFICE COMMUNICATION OF JULY 27, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 27, 2009 the Examiner issued a communication informing Applicant that Applicants' traversal of a Notice of Nonresponsive Amendment that was mailed on March 5, 2009 was deemed persuasive. However, a reply filed April 6, 2009 was not considered fully responsive as it was considered to fail to include a complete and accurate record of the substance of the interview of October 29, 2008. This position by the Examiner is respectfully traversed. The response that was filed December 10, 2008 fully reflects the requirements of the Office in summarizing the interview of October 23, 2008. There was no interview on October 29, 2008.

It is further noted that it is the reply that was filed on April 6, 2009 that is not considered to be fully responsive. However, the reply of April 6, 2009 was in response to the Examiner's Notice of March 5, 2009. The Notice of March 5, 2009 alleged that the reply of December 10, 2008 was nonresponsive, and this notice was in fact fully responded to in the reply of April 6, 2009. Thus the reply filed April 6, 2009, which is considered non-responsive, was in fact fully responsive to the paper to which it was responding.

Applicants will nonetheless try to address the apparent concerns of the Examiner.

The Examiner first alleges that the record is inaccurate because the statement "The Examiner had no comment with respect to these changes" is incorrect. However, this is

Applicants' recollection of the discussion during the interview. If the Examiner has a different recollection of the substance of the interview, the Examiner is welcome to add the Examiner's recollection to the record. But even if applicants' statement was inaccurate, it is nonetheless a statement, and thus responsive to the requirement to summarize the interview.

Regarding the other points raised by the Examiner, the following is noted:

- A. There was no exhibit shown or any demonstration conducted.
- C. The prior art that was discussed were JP 7074497 and Kuhns, U.S. Patent Publication 2004/0119593, discussed on page 16 of the response.
- D. Applicants' recollection is that the principal proposed amendments were those as were made to claims 27 and 44 in the response filed December 10, 2008.
- E. Applicants' recollection is that the general thrust of the principal arguments of the applicant and the Examiner are as set forth on pages 16-19 of the response filed December 10, 2008.
- F. No other pertinent matters were discussed.

Respectfully submitted,

Tatsuki NOGIWA et al.

/Nils E. Pedersen/

By 2009.09.28 13:52:35 -07'00'

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September 28, 2009

Electronic Acknowledgement Receipt

EFS ID:	6159243
Application Number:	10772355
International Application Number:	
Confirmation Number:	5037
Title of Invention:	Substrate holder, method for producing substrate holder, and method for producing mold
First Named Inventor/Applicant Name:	Tatsuki Nogiwa
Customer Number:	52349
Filer:	Nils Erik .Pedersen/sarah pedersen
Filer Authorized By:	Nils Erik .Pedersen
Attorney Docket Number:	2004-0179A
Receipt Date:	28-SEP-2009
Filing Date:	06-FEB-2004
Time Stamp:	17:19:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 130
RAM confirmation Number	3781
Deposit Account	230975
Authorized User	PEDERSEN,NILS E.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	AttachA_EXT_P03318101.pdf	182749	no	1
			b75efcd713de63bfeffe5d904c44ab837319ccc4		

Warnings:

The PDF file has been signed with a digital signature and the legal effect of the document will be based on the contents of the file not the digital signature.

Information:

2	Amendment/Req. Reconsideration-After Non-Final Reject	AttachB_RES_P03318101.pdf	230212	no	2
			a0ac79f63f4a417aec4ab2b84fcbdd887e92fed		

Warnings:

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Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	29977	no	2
			d71a03450dea5f5ceb6e8de8adf6faf617d614a0		

Warnings:

Information:

Total Files Size (in bytes):	442938
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.